GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – M.A. & U.D. Department – Jangareddygudem Nagar Panchayat – Allegations of non collection of Market Aseelu for the years 2013-14 & 2014-15 by Sri Ch. Kamesh Babu, the then Sr. Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat - Departmental Proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Article of Charges - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (VIG.1) DEPARTMENT

G.O.RT.No. 536 **Dated: 28-08-2019**

Read:-

G.O.Rt.No.533 M.A. & U.D. (Vig.I) Department, dt:28.08.2019.

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O R D E R:

It is proposed to hold an enquiry against Sri Ch. Kamesh Babu, the then Sr. Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat in accordance with the procedure laid down in Rule 20 of the A.P.Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set-out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witness by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure- III and IV).

3. Sri Ch. Kamesh Babu, the then Sr. Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat is directed to submit a written statement of defense within (10) days of the receipt of this order.

4. Sri Ch. Kamesh Babu, the then Sr. Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Ch. Kamesh Babu, the then Sr. Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat is further informed that if he does not submit written statement of defense on or before the date specified in para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 or the orders issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against her ex-parte.

(PTO)

6. Attention of Sri Ch. Kamesh Babu, the then Sr. Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat is invited to Rule 24 of the A.P.Civil Services (Conduct) Rules, 1964, under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to his service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings, it will be presumed that Sri Ch. Kamesh Babu, the then Sr. Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the A.P.Civil Services (Conduct) Rules, 1964.

7. The Commissioner & Director of Municipal Administration, A.P., Guntur is directed to furnish the copies of documents as per Annexure-III to Sri Ch. Kamesh Babu, the then Sr., Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat.

8. The receipt of the G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

To
Sri Ch. Kamesh Babu, the then Sr. Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat
(**through the CDMA, A.P., Guntur).**
The Commissioner & Director of Municipal Administration, AP, Guntur.
Copy to:
The Commissioner, Jangareddygudem Nagar Panchayat, WG District.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure-I to G.O.Rt.No.536 , M.A. & U.D. (Vig.I) Department, dated:28.08.2019.

Statement showing the Articles of Charge framed against Sri Ch. Kamesh Babu, the then Sr. Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat

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Articles of Charge - I:

That said Sri Ch. Kamesh Babu, Sr. Assistant while working as A1 clerk and Municipal Revenue Inspector at Jangareddygudem Nagar Panchayat, has not processed the file to the Municipal Commissioner, on obtaining Market Lease Agreement for the year 2013-14 from the contractor within the time as per rules in force, though the highest bidders of Daily Market, Weekly Market were approved on 28-03-2013.

Articles of Charge - II:

That said Sri Ch. Kamesh Babu, Sr. Assistant while working as A1 clerk and Municipal Revenue Inspector at Jangareddygudem Nagar Panchayat has not processed the file to the Municipal Commissioner and registering the Market Lease Agreement for the year 2013-14 within the stipulated time as per rules in force.

Articles of Charge - III:

That said Sri Ch. Kamesh Babu, Sr. Assistant while working as Municipal Revenue Inspector at Jangareddygudem Nagar Panchayat has not processed the file to the Municipal Commissioner on monthly late payments paid by the contractor and caused for financial loss of Rs. 13,18,951/- for both Principal and Interest as on date towards Daily Market, Weekly Market to be paid by the contractors. Thus the individual has failed to discharge his legitimate duties assigned to the Municipal Revenue Inspector.

Articles of Charge - IV:

That said Sri Ch. Kamesh Babu, Sr. Assistant while working as Municipal Revenue Inspector at Jangareddygudem Nagar Panchayat has not brought the matter to the notice of the Municipal Commissioner, Jangareddygudem on obtaining the Market Lease Agreement for the year 2013-14 from the Contractor within the time as per rules in force, though the highest bid was approved on 28-03-2013. Thus the individual has failed to discharge his legitimate duties assigned to the Municipal Revenue Inspector.

Articles of Charge - V:

That said Sri Ch. Kamesh Babu, Sr. Assistant while working as A1 clerk and Municipal Revenue Inspector at Jangareddygudem Nagar Panchayat has not brought the matter to the notice of the Municipal Commissioner on monthly late payments paid by the contractor which is caused for financial loss of Rs. 13,18,951/- as on date towards Daily Market, Weekly Market amounts to be paid by the contractors.

Articles of Charge - VI:

That said Sri Ch. Kamesh Babu, Sr. Assistant while working as Municipal Revenue Inspector at Jangareddygudem Nagar Panchayat has failed to collect the Market Aseelu from time to time for the year 2013 – 14 from the leaseholders and not processed the file for timely action against the leaseholders and caused loss to Nagar Panchayat for an amount of Rs.13,18,951/- towards both Principle and Interest on Market aseelu. Thus the individual has failed to discharge his legitimate duties assigned to the Municipal Revenue Inspector.

Articles of Charge - VII:

That by the above acts, Sri Ch. Kamesh Babu, Sr. Assistant while working as A1 clerk and Municipal Revenue Inspector at Jangareddygudem Nagar Panchayat has exhibited lack of devotion to duty and conduct and showed negligence thereby contravened Rule 3 of A.P.C.S. (Conduct) Rules 1964.

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure-II to G.O.Rt.No.536 , M.A. & U.D. (Vig.I) Department, dated:28.08.2019.

Statement of Imputations of Misbehaviour / Misconduct in support to the charges framed against Sri Ch. Kamesh Babu, the then Sr. Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat

Basis of Charges:

The Municipal Commissioner, Janagareddygudem Nagar Panchayat has submitted (2) reports with regard to non-collection of market asselu for Daily and Weekly Markets for the year 2013-14 and daily market for the year 2014-15 of Jangareddygudem Nagar Panchayat as detailed below:

S.No	Name of the Market	Auction Amount (Rs.)	Amount Collected So far (Rs.)	Balance to be Collected (Rs.)
1	2	3	4	5
2013-14				
01	Daily Market Name of the Contractor: Smt. Gandrothu Mangathayaru	5,11, 000/-	2,90,000/-	2,21,000/-
02	Weekly Market Name of the Contractor: Smt. Mallavarapu Durga.	6,74,000/-	2,34,721/-	4,39,279/-
2014-15				
01	Daily Market Name of the Contractor: Smt. Borusu Seetha Mahalakshmi	5,66,000/-	2,80,999/-	2,85,001/-
			Total:	**9,45,280/-**

In the letter even no Dated: 01-07-2017 of Regional Director – cum – Municipal Administration, Rajamahendravaram which was addressed to the Commissioner, Jangareddygudem Nagar Panchayat, requested to submit specific remarks on certain key points on the day to day activities of market auctions and collection of market aseelu. In reply, the Municipal Commissioner, Janagareddygudem has submitted remarks on the said key points vide his Lr. Roc No. 157/2017/A1, Dated: 06-07-2017 as detailed below.

With regard to collection of Market (Daily and Weekly) Lease amount for the year 2013-14

Name of the Weekly Market Contractor: Smt. Mallavarapu Durga,

Name of the Daily Market Contractor: Smt. Gnadrothu Mangathayaru.

S.No	Key Points	Weekly Market	Daily Market	Remarks
01	What is the total bid amount of Market for the year 2013-14	Rs. 6,64,000/-	Rs. 5,06,000/-	The Municipal Council has approved the auctions Vide CR No. 253, Dt.28-03-2013.
02	Whether 1/4th of lease amount collected after confirmation of the lease amount as per Gazette / APM Act	NO	NO	As seen from the allotment order it was clearly mentioned that 1/4th Deposit amount should be remitted into the Municipal Treasury after confirmation of the auction. But failed to collect the said amount within the stipulated period.
3	Whether confirmation proceedings given to Market contractor or not? If Proceedings issued Proc. No.	ROC No. 283/2013/A1, Dt: 30-03-2013	Roc No. 283/2013/A1, Dt.: 30-03-2013.	Nil.
4	Whether monthly installments fixed from April-2013 to Dec-2013 or not?	55,334/-	42,167/-	Nil.
5	If monthly installments fixed the market lease holder remitted the monthly installments as per the orders of the Executive Authority or not?	NO	NO	As seen from the allotment order it was clearly mentioned regarding collection of monthly installments from time to time but they have failed to collect the said amount and caused loss to Municipal Revenue.
6	Whether the MRI collected interest on late payments or not? If not collected how much is to be collected as per gazette notification?	4,42,672/-	2,21,000/-	As seen from the allotment order it was clearly mentioned regarding levy of penalty and collection of interest on late payments but they have failed to collect the said amounts and caused loss to Municipal Revenue.
7	Details of the payments made by the contractor with reference to the MDR for the year 2013-14.	As shown below in Annexure – I		

8	Whether the market auction agreement executed and registered or not?	No	NO	In accordance with the Andhra Pradesh Municipalities Regulation of Receipts and Expenditure Rules – 1968 Rule – 10, in the case of every lease-deed shall be executed and they have failed to statutory obligation and it lead to litigation and leads for financial loss to the Municipality.
9	If not, how the contractor allowed for collection of market aseelu without entering into agreement and who is responsible for the lapse?	A1/MRI/Manager and the then Commissioner	A1/MRI/Manager and the then Commissioner	All the staff members failed to discharge their legitimate duties from time to time as per APM Act and Gazette Publication.
10	Details of stamp duty	10000.00 (paid)	5,000.00 (not collected)	
11	Name of the A1 clerks for the period 2013-14	Sri Ch. Kamesh Babu, Sr. Asst. from 01-03-2013 to 05-12-2013		
12	Name of the MRI for the period 2013-14	Sri Ch. Kamesh Babu, Sr. Asst. from 01-03-2013 to 05-12-2013		

Annexure No. I
For 2013-14 (Weekly and Daily Markets)

S.No	Challan No	Date	Particulars	Amount paid Rs.
1	4589	14-03-2013	Weekly Market	25,000.00
2	173	02-05-2013		10,000.00
3	174	02-05-2013		1,41,000.00
4	674	27-07-2013		58,721.00
			Total:	2,34,721.00
5	4588	14-03-2013	Daily Market	15,000.00
6	175	02-05-2013		50,000.00
7	1332	31-01-2014		1,60,000.00
8	1993	06-03-2014		65,000.00
			Total:	2,90,000.00
			Grand Total:	5,24,721.00

Hence, and as seen from the connected auction files (i.e) council resolutions and proceedings of the Commissioner, the following amounts to be collected from the lease holders from time to time in Janagareddygudem Nagar Panchayat and causes to loss to Municipal Funds:

ABSTRACT

S.No	Year	Name of the Market	Name of the Contractor	Auction Amount	Total Collection	To be Collected
01	2013-14	Daily Market	Smt. Gandrothu Managathayaru	5,06,000/-	2,90,000/-	2,16,000/-
02	2013-14	Weekly Market	Smt. Mallavarapu Durga	6,74,000/-	2,34,721/-	4,39,279/-
					Total:	6,55,279/-

As per report of the Municipal Commissioner, Jangareddygudem Nagar Panchayat the following interests to be collected on non-collection of market aseelu.

- 2013-14 interest on Weekly Market installments: Rs 4,42,672/-
- 2013-14 interest on Daily Market installments: Rs 2,21,000/-

Total: Rs 6,63,672.00

Total Market auction installments to be collected: Rs 6,55,279.00

Total interest amount on auction amounts to be collected: Rs 6,63,672.00

Grand Total: Rs.13,18,951.00

Procedure as per APM Act – 1965.

As per Sub-Rule 3(C) (i) of Rule – 7 of the Andhra Pradesh Municipalities Regulation of Receipts and Expenditure Rules – 1968 the lessee shall within one week from the date of confirmation of the lease in his favour deposit a sum which together with the security referred to in clause (b) would be make up an amount equal to three installments of the lease amount. This amount shall ordinarily be adjusted towards the last three installments of the lease amount due, but it may be adjusted towards any installment of the lease amount overdue from the lessee, and towards the loss if any sustained by resale of departmental management and the balance of the lease amount shall be paid in equal monthly installments within a period of nine months commencing on the 1st April of every year, on or before the date specified in the lease deed.

Rule – 3 (e)(ii) – if any installment due from the lease is not paid within one month of the date on which it becomes payable the Commissioner, shall forth-with report the matter to the authority competent to enter into the contract which shall thereupon terminate the lease and order its management departmentally at the risk of the lessee till it is resold, if resale is ordered.

Rule – 9. The Collection of amounts due from the lessee shall be watched through the Miscellaneous Demand Register.

Rule – 10. in the case of every lease-deed shall be executed and it shall specify:

a. the duration of the lease,
b. the amount of each installment of the rent or fees and the date on or before which it shall be payable;
c. the compensation payable in the case of payment of any installment after the due date;
d. the liability of the lease to make good any loss caused to the council on resale or through departmental management and re-sale owing to default on the part of the leassee to fulfill the terms of his contract; and
e. the rate of fees to be levied by the lessee in regard to markets, slaughter houses, fisheries and sale of fish in fresh water tanks.

11 (a) Every lease – deed contain an express condition that the lessee shall be liable to pay such ground rent as the collector may fix from time to time.

(b) No person shall be allowed to exercise his rights under the lease until he has executed the lease deed.

S.No	Name of the Responsible Officer and may be initiation of the disciplinary proceedings.	Period of Working
1.	Sri Ch. Kamesh Babu, Senior Assistant and the then A1 Clerk and Municipal Revenue Inspector for the year 2013-14	From 01-03-2013 to 05-12-2013 as A1 Clerk and Municipal Revenue Inspector

For the year 2013-14 the individual worked as A1 clerk and Municipal Revenue Inspector and he is the initial case worker for market auction file. As seen from the connected file the individual has issued confirmation proceedings to the lease holders with specific conditions for remittance of the lease amounts from time to time and also he is working as Municipal Revenue Inspector which is most responsible post for collection of revenues and he is utterly failed to discharge his legitimate dues as A1 Clerk and Municipal Revenue Inspector. Therefore a huge loss crop up to Municipal General Funds. As per the Role and Responsibilities of Municipal functionaries vide GO Ms No. 659 MA & UD Department, Dated: 17-11-2009 he is responsible for collection of monthly market kists, slaughter house including all leases of his circle and enquire timely collection of taxes and non taxes and to achieve collection of 100% of non-taxes in his circle. Therefore, he has utterly failed to discharge his legitimate duties.

Hence, from the above acts, it is evident that he has shown gross negligence towards his legitimate duties and violated Rule (3) of APCS (Conduct) Rules, 1964, Hence the Charges.

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure-III to G.O.Rt.No.536 , M.A. & U.D. (Vig.I) Department, dated: 28.08.2019.

List of documents by which the articles of charge framed against Sri Ch. Kamesh Babu, Sr., Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat

1. Lr. Roc No. 283/2013/A1, Dated: 22-04-2017 of the Municipal Commissioner, Jangareddygudem Nagar Panchayat.
2. Lr. Roc No. 209/2014/A1, Dated: 22-04-2017 of the Municipal Commissioner, Jangareddygudem Nagar Panchayat.
3. Lr. Roc No. 309/2017/A3, Dated: 18-09-2017 of the Regional Director –cum–Appellate Commissioner of Municipal Administration, Rajamahendravaram.
4. Lr. Roc No.157/2017/A1, Dated: 06-07-2017 of the Municipal Commissioner, Jangareddygudem Nagar Panchayat.
5. Lr. Roc No. 309/2017/A3, Dated: 17-10-2017 of the Regional Director –cum–Appellate Commissioner of Municipal Administration, Rajamahendravaram addressed to the C&DMA, AP, Guntur.
6. Lr. Roc No. 832770/2017/C1, Dated: 03-01-2018 of the Director of Municipal Administration, Andhra Pradesh, Guntur.

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure-IV to G.O.Rt.No.536 , M.A. & U.D. (Vig.I) Department, dated:28.08.2019.

List of witnesses by whom the articles of charge framed Sri Ch. Kamesh Babu, Sr., Asst., and the then A1 Clerk and Municipal Revenue Inspector, Jangareddygudem Nagar Panchayat:

--NIL--

J.SYAMALA RAO
SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER